

FILED IN OPEN COURT
ON 10-28-15
Julie Richards Johnston, Clerk
US District Court
Eastern District of NC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO: 5:15-cr-322-1H(2)

UNITED STATES OF AMERICA)
)
 v.) INDICTMENT
)
JOSHUA BOWER)
)

The Grand Jury Charges that:

COUNT ONE
(Conspiracy)

On or between July 15, 2014, and continuing until August 22, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, defendant herein, did knowingly and willfully combine, conspire, confederate and agree with other persons, known or unknown to the Grand Jury, to obstruct, delay or affect commerce or movement of any article or commodity in commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, in violation of Title 18, United States Code, Section 1951.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, JOSHUA BOWER and other individuals, known and unknown,

committed the following overt acts, among others, within the Eastern District of North Carolina and elsewhere:

1. On or about July 16, 2014, JOSHUA BOWER and others robbed the Papa Johns located at 9611 Strickland Road in Raleigh, North Carolina at gunpoint.

2. On or about July 19, 2014, JOSHUA BOWER and others robbed the Pizza Hut located at 7909 Falls of the Neuse Road in Raleigh, North Carolina at gunpoint.

3. On or about July 27, 2014, JOSHUA BOWER and others robbed the Pizza Hut located at 7909 Falls of the Neuse Road in Raleigh, North Carolina at gunpoint.

4. On or about August 2, 2014, JOSHUA BOWER and others robbed the Lowes Foods located at 8440 Louisburg Road in Raleigh, North Carolina, at gunpoint.

5. On or about August 10, 2014, JOSHUA BOWER and others robbed the Papa Johns located at 6510 Glenwood Avenue in Raleigh, North Carolina at gunpoint.

6. On or about August 10, 2014, JOSHUA BOWER and others attempted to rob the Food Lion located at 3926 Western Boulevard in Raleigh, North Carolina at gunpoint.

7. On or about August 16, 2014, JOSHUA BOWER and others robbed the Domino's Pizza located at 13220 Strickland Road in Raleigh, North Carolina at gunpoint.

8. On or about August 18, 2014, JOSHUA BOWER and another attempted to rob a victim and shot a female during the attempted robbery.

9. On or about August 21, 2014, JOSHUA BOWER and others robbed the Food Lion located at 4827 Grove Barton Road in Raleigh, North Carolina at gunpoint.

All in violation of the provisions of Title 18, United States Code, Section 1951.

COUNT TWO
(Interference with commerce by robbery)

At all times material to this Count, Papa Johns located at 9611 Strickland Road in Raleigh, North Carolina, was engaged in a commercial retail business in interstate commerce and was in an industry which affects interstate and foreign commerce.

On or about July 16, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, did unlawfully obstruct, delay, and affect, and attempt to obstruct, delay, and affect, commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code,

Section 1951(b)(1), of Papa Johns, all in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT THREE

(Use and Carry of a firearm during and in relation to a crime of violence)

On or about July 16, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, knowingly used and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count Two of the Indictment, and possessed the firearm in furtherance of said crime of violence, and said firearm was brandished, all in violation of the provisions of Title 18, United States Code, Sections 924(c) and 2.

COUNT FOUR

(Interference with commerce by robbery)

At all times material to this Count, the Pizza Hut located at 7909 Falls of the Neuse Road in Raleigh, North Carolina, was engaged in a commercial retail business in interstate commerce and was an industry which affects interstate and foreign commerce.

On or about July 19, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, did unlawfully obstruct, delay, and affect, and attempt to obstruct, delay, and

affect, commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code, Section 1951(b)(1), of Pizza Hut, all in violation of Title 18, United States Code, Section 1951 and 2.

COUNT FIVE

(Use and Carry of a firearm during and in relation to a crime of violence)

On or about July 19, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, knowingly used and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count Four of the Indictment, and possessed the firearm in furtherance of said crime of violence, and said firearm was brandished, all in violation of the provisions of Title 18, United States Code, Sections 924(c) and 2.

COUNT SIX

(Interference with commerce by robbery)

At all times material to this Count, the Pizza Hut located at 7909 Falls of the Neuse Road in Raleigh, North Carolina, was engaged in a commercial retail business in interstate and foreign commerce and was an industry which affects interstate and foreign commerce.

On or about July 27, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, did unlawfully obstruct, delay, and affect, and attempt to obstruct, delay, and affect, commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code, Section 1951(b)(1), of Pizza Hut, all in violation of Title 18, United States Code, Section 1951 and 2.

COUNT SEVEN

(Use and Carry of a firearm during and in relation to a crime of violence)

On or about July 27, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, knowingly used and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that

is, interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count Six of the Indictment, and possessed the firearm in furtherance of said crime of violence, and the firearm was brandished, all in violation of the provisions of Title 18, United States Code, Sections 924(c) and 2.

COUNT EIGHT
(Interference with commerce by robbery)

At all times material to this Count, the Lowes Foods located at 8440 Louisburg Road in Raleigh, North Carolina, was engaged in a commercial retail business in interstate and foreign commerce and was an industry which affects interstate and foreign commerce.

On or about August 2, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, did unlawfully obstruct, delay, and affect, and attempt to obstruct, delay, and affect, commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code, Section 1951(b)(1), of Lowes Foods, all in violation of Title 18, United States Code, Section 1951 and 2.

COUNT NINE

(Use and Carry of a firearm during and in relation to a crime of violence)

On or about August 2, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, knowingly used and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count Eight of the Indictment, and possessed the firearm in furtherance of said crime of violence, and said firearm was brandished, all in violation of the provisions of Title 18, United States Code, Sections 924(c) and 2.

COUNT TEN

(Interference with commerce by robbery)

At all times material to this Count, the Papa Johns located at 6510 Glenwood Avenue in Raleigh, North Carolina, was engaged in a commercial retail business in interstate and foreign commerce and was an industry which affects interstate and foreign commerce.

On or about August 10, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, did unlawfully obstruct, delay, and affect, and attempt to obstruct, delay, and affect, commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and

commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code, Section 1951(b)(1), of Papa Johns, all in violation of Title 18, United States Code, Section 1951 and 2.

COUNT ELEVEN

(Use and Carry of a firearm during and in relation to a crime of violence)

On or about August 10, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, used and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count Ten of the Indictment, and possessed the firearm in furtherance of said crime of violence, and said firearm was brandished, all in violation of the provisions of Title 18, United States Code, Sections 924(c) and 2.

COUNT TWELVE

(Interference with commerce by robbery)

At all times material to this Count, the Domino's Pizza located at 13220 Strickland Road in Raleigh, North Carolina, was engaged in a commercial retail business in interstate and foreign commerce and

was an industry which affects interstate and foreign commerce.

On or about August 16, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, did unlawfully obstruct, delay, and affect, and attempt to obstruct, delay, and affect, commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code, Section 1951(b)(1), of Domino's Pizza, all in violation of Title 18, United States Code, Section 1951 and 2.

COUNT THIRTEEN

(Use and Carry of a firearm during and in relation to a crime of violence)

On or about August 16, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, knowingly used and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count Twelve of the Indictment, and possessed the firearm in furtherance of said crime of violence, and said firearm was brandished, all in violation of the provisions of Title 18, United States Code, Sections 924(c) and

2.

COUNT FOURTEEN
(Interference with commerce by robbery)

At all times material to this Count, the Food Lion located at 4827 Grove Barton Road in Raleigh, North Carolina, was engaged in a commercial retail business in interstate and foreign commerce and was an industry which affects interstate and foreign commerce.

On or about August 21, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, did unlawfully obstruct, delay, and affect, and attempt to obstruct, delay, and affect, commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code, Section 1951(b)(1), of Food Lion, all in violation of Title 18, United States Code, Section 1951 and 2.

COUNT FIFTEEN
(Use and Carry of a firearm during and in relation to a crime of violence)

On or about August 21, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, aiding and abetting another, knowingly used and carried a firearm during and in relation to a crime of violence

for which he may be prosecuted in a Court of the United States, that is, interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count Fourteen of the Indictment, and possessed the firearm in furtherance of said crime of violence, and said firearm was brandished, all in violation of the provisions of Title 18, United States Code, Sections 924(c) and 2.

COUNT SIXTEEN

(Possession of a firearm by a convicted felon)

On or about August 22, 2014, in the Eastern District of North Carolina, JOSHUA BOWER, defendant herein, having been previously convicted of a crime punishable by a term of imprisonment exceeding one (1) year, did knowingly possess in and affecting commerce, a firearm and ammunition, in violation of Title 18, United States Code, Sections 922(g)(1) and 924.

FORFEITURE ALLEGATION

Upon conviction of the offenses set forth in Counts Two, Four, Six, Eight, Ten, Twelve, and Fourteen of the Indictment, the Defendant shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all gross proceeds derived from the offenses. The Government seeks a monetary judgment for such proceeds in an amount of \$14,697.29.

Upon conviction of the offenses set forth in Counts Three, Five, Seven, Nine, Eleven, Thirteen, Fifteen, and Sixteen of this Indictment, the Defendant shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved or used in a knowing commission of that offense.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A true bill.

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

~~FILED~~
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10-27-15

THOMAS G. WALKER
United States Attorney

Carrie D Randa

BY: CARRIE D. RANDA
Assistant United States Attorney
Criminal Division